

To: White, Elizabeth[white.elizabeth@epa.gov]
Cc: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Forsgren, Lee
Sent: Wed 12/27/2017 1:14:03 AM
Subject: Re: FOR REVIEW Center for Biological Diversity v EPA (Cadmium FOIA) -- RELEASE BY 12/26.

Beth

I did review Steam Electric but I haven't reviewed WOTUS. Will do tomorrow.

Lee

Sent from my iPhone

On Dec 26, 2017, at 3:56 PM, White, Elizabeth <white.elizabeth@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sent from my iPhone

On Dec 26, 2017, at 3:13 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

I haven't been able to complete my review. I apparently left my computer charger in DC. If the documents cannot wait until I get back to release (I will be in the office on Friday), then I would ask that Lee and you give your okay and I can just rely on that.

My apologies, I had intended on completing my review while at home.

Sent from my iPhone

On Dec 26, 2017, at 1:09 PM, White, Elizabeth <white.elizabeth@epa.gov> wrote:

Sarah - thanks for looking at this. Were you ok with the WOTUS production that is set for today?

Sent from my iPhone

On Dec 26, 2017, at 12:57 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

I think the redactions are appropriate. Thank you Beth.

Sent from my iPhone

On Dec 22, 2017, at 1:51 PM, White, Elizabeth <white.elizabeth@epa.gov> wrote:

Thanks Lee!

Beth White

Director, Office of the Executive Secretariat

U.S. Environmental Protection Agency

(202) 564-1781 direct

Ex. 6 - Personal Privacy cell

From: Forsgren, Lee

Sent: Friday, December 22, 2017 3:51 PM

To: White, Elizabeth <white.elizabeth@epa.gov>

Cc: Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Subject: Re: FOR REVIEW Center for Biological Diversity v EPA (Cadmium FOIA) -- RELEASE BY 12/26.

Beth,

I don't have a problem releasing the documents.

Lee

Sent from my iPhone

On Dec 22, 2017, at 3:39 PM, White, Elizabeth
<white.elizabeth@epa.gov> wrote:

Sarah and Lee – I don't see any issue with this. Do either of you have a problem with releasing these emails as redacted?

Thanks,

Beth

Beth White

Director, Office of the Executive Secretariat

U.S. Environmental Protection Agency

(202) 564-1781 direct

Ex. 6 - Personal Privacy cell

From: Schwarz, Matthew

Sent: Tuesday, December 19, 2017 5:25 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah
<greenwalt.sarah@epa.gov>

Cc: White, Elizabeth <white.elizabeth@epa.gov>; Neugeboren,
Steven <Neugeboren.Steven@epa.gov>; Gallagher, Kathryn
<Gallagher.Kathryn@epa.gov>; Miller, Kevin
<Miller.Kevin@epa.gov>

Subject: RE: FOR REVIEW Center for Biological Diversity v
EPA (Cadmium FOIA) -- RELEASE BY 12/26.

Importance: High

Dear Lee and Sara-

Attached for your review is a pdf containing 4 documents (26 pages) that represent a supplemental release of documents concerning EPA's 2016 recommended criteria for Cadmium in Center for Biological Diversity v. EPA. Pursuant to court order, yesterday EPA produced a *Vaughn* Index to the Plaintiff explaining the Agency's reasoning for its withholdings in this case. While reviewing documents for the *Vaughn*, we discovered that this small set of documents were miscoded in the Agency's Relativity document review platform. We confirmed yesterday that these documents now need to be produced in full or in part. The attached pdf contains four documents that are described below. These documents have cleared OST review.

ED_000992_00001612- an email chain forwarding a 1985 study used in the development of the Cadmium criteria

ED_000992_00002635- an email chain discussing meeting times

ED_000992_00002643- an email chain discussing meeting times

ED_000992_00002802- an email from an external party asking about the Cadmium criteria

The timeframe for these 4 documents is January 2016- April 2016. EPA staff involved in these emails are located within OW.

While we do not have a specific date for the production of these documents, we will need to produce them in a reasonable amount of time, which we interpret as one week considering that Plaintiff is under court order to inform EPA by 1/3/18 whether to brief the withholdings in this case. Therefore, I'm proposing an internal deadline for your review of **December 26**, although I think you will find that this pdf can be reviewed quickly.

Thanks in advance and, as always, feel free to email or call with any questions.

Best,

Matt

From: Schwarz, Matthew

Sent: Friday, October 20, 2017 2:15 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Cc: White, Elizabeth <white.elizabeth@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Gallagher, Kathryn <Gallagher.Kathryn@epa.gov>

Subject: FOR REVIEW Center for Biological Diversity v EPA (Cadmium FOIA) -- RELEASE DUE 10/30.

Dear Lee and Sara—

I am writing to you to provide you with links to two pdfs, which represent our production of documents in the FOIA litigation Center for Biological Diversity v. EPA. This document production is due, by court order, on **October 30, 2017**. The FOIA request, EPA-HQ-2016-005391, asks for information related to EPA's "revised water quality criteria for cadmium, docket EPAHQ-OW-2015-0753."

Please access the records at the links below. You will also receive separate emails from SharePoint indicating that these documents have been shared with you.

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- o <https://usepa->

my.sharepoint.com/personal/schwarz_matthew_epa_gov/Documents/Cadmium%20awareness%20

- https://my.sharepoint.com/personal/schwarz_matthew_epa_gov/Documents/Cadmium%20awareness%20 CBD Cadmium 10.30.17 Release in Part

- https://my.sharepoint.com/personal/schwarz_matthew_epa_gov/Documents/Cadmium%20awareness%20

my.sharepoint.com/personal/schwarz_matthew_epa_gov/Documents/Cadmium%20awareness%20

The “CBD Cadmium 10.30.17 Release in Full” set is approximately 2,085 pages of records. However, one of the records is a single data set that is 1,976 pages long.

The “CBD Cadmium 10.30.17 Release in Part” set is approximately 927 pages of records. These records consist primarily of internal emails regarding the development of the cadmium criteria, much of which is redacted.

For all records, the initial review was performed by the Office of Water- OST. I performed the final review. The custodian list was comprised of folks in OW who worked on the revised water quality criteria for cadmium. Some documents also include attorneys from the Water Law Office in OGC. The time frame for all documents is 2015-first half of 2016.

Please send me any comments via email, referencing the DOC ID (stamped on the bottom of the page). That way I will be able to go into Relativity and address any concerns before I ask OEI to produce a final set. As always, feel free to call me with any questions.

Best,

Matt

Matthew Schwarz

Attorney-Advisor

Office of General Counsel | General Law Office | Information Law
Practice Group

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW (Mail Code 2377A)

Washington, DC 20460

202-564-5654

<For Senior Review (26 pages).pdf>